STATUTORY INSTRUMENTS

2024 No. 1131 (L. 19)

SENIOR COURTS OF ENGLAND AND WALES

The Crown Court (Amendment No. 2) Rules 2024

Made - - - -	*6th November 2024*
Laid before Parliament	*11th November 2024*
Coming into force - -	*2nd December 2024*

The Lady Chief Justice makes these Rules in exercise of the powers conferred by section 84(1) of the Senior Courts Act 1981(**a**).

Citation, commencement and extent

1.—(1) These Rules may be cited as the Crown Court (Amendment No. 2) Rules 2024 and come into force on 2nd December 2024.

(2) These Rules extend to England and Wales.

Amendment of the Crown Court Rules 1982

2. The Crown Court Rules 1982(**b**) are amended as follows.

3. In rule 7 (notice of appeal), in paragraph (2) after sub-paragraph (a) insert—

"(aa) in the case of an appeal under paragraph 7 of Schedule 1 to the Anti-terrorism Crime and Security Act 2001 ("ATCSA")—

(i) to any person to whom notice of the order for continued detention of cash was given in accordance with paragraph 3(4) of Schedule 1 to ATCSA and who has not been joined as a party to the case, and

(ii) to any person who has made an application under paragraph 9(1) of Schedule 1 to ATCSA and who has not been joined as a party to the case;

(ab) in the case of an appeal under paragraph 10K of Schedule 1 to ATCSA—

(i) to any person to whom notice of the order for further detention of property was given in accordance with paragraph 10D(11) of Schedule 1 to ATCSA and who has not been joined as a party to the case, and

(**a**) 1981 c. 54. Section 84(1) was amended by section 10 of, and paragraph 1(4)(a) of Schedule 2 to, the Civil Procedure Act 1997 (c. 12), and by S.I. 2004/2035 and 2012/2398.

(**b**) S.I. 1982/1109, which was amended by S.I. 2024/259. Rule 8 was amended by S.I. 2017/1287. There are other amendments which are not relevant.

(ii) to any person who has made an application under paragraph 10O(1) of Schedule 1 to ATCSA and who has not been joined as a party to the case;

(ac) in the case of an appeal under paragraph 10Z4 of Schedule 1 to ATCSA—

(i) to any person to whom notice of the account freezing order was given in accordance with paragraph 10S(5) of Schedule 1 to ATCSA and who has not been joined as a party to the case, and

(ii) to any person who has made an application under paragraph 10T(1)(b) or 10Z6A of Schedule 1 to ATCSA and who has not been joined as a party to the case;

(ad) in the case of an appeal under paragraph 10Z7CG of Schedule 1 to ATCSA(**a**)—

(i) to any person to whom notice of the order for further detention of property was given in accordance with paragraph 10Z7AC(10) or paragraph 10Z7AG(13) of Schedule 1 to ATCSA and who has not been joined as a party to the case,

(ii) to any person who has made an application under paragraph 10Z7CK or paragraph 10Z7CL of Schedule 1 to ATCSA and who has not been joined as a party to the case,

(iii) to any person to whom notice of the crypto wallet freezing order was given in accordance with paragraph 10Z7BB(8), and

(iv) to any person who has made an application under 10Z7BC(1)(b) of Schedule 1 to ATCSA and who has not been joined as a party to the case;

(ae) in the case of an appeal under section 299 of the Proceeds of Crime Act 2002 ("POCA")—

(i) to any person to whom notice of the order for continued detention of the cash was given in accordance with section 295(8) of POCA and who has not been joined as a party to the case, and

(ii) to any person who has made an application under section 301 of POCA and who has not been joined as a party to the case;

(af) in the case of an appeal under section 303S of POCA—

(i) to any person to whom notice of the order for further detention of property was given in accordance with section 303L(14) of POCA and who has not been joined as a party to the case, and

(ii) to any person who has made an application under section 303V of POCA and who has not been joined as a party to the case;

(ag) in the case of an appeal under section 303Z16 of POCA—

(i) to any person to whom notice of the account freezing order was given in accordance with section 303Z3(5) of POCA and who has not been joined as a party to the case, and

(ii) to any person who has made an application under section 303Z4(1)(b) or 303Z17A of POCA and who has not been joined as a party to the case;

(**a**) Parts 4BA to 4BD (comprising paragraphs 10Z7A to 10Z7DL) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (c. 24) were inserted by section 181 of, and Schedule 10 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(ah) in the case of an appeal under section 303Z47 of POCA(**a**)—

(i) to any person to whom notice of the order for further detention of property was given in accordance with section 303Z28(9) or section 303Z32(9) of POCA and who has not been joined as a party to the case,

(ii) to any person who has made an application under section 303Z50 or section 303Z51 of POCA and who has not been joined as a party to the case,

(iii) to any person to whom notice of the crypto wallet freezing order was given in accordance with section 303Z37(8) and who has not been joined as a party to the case, and

(iv) to any person who has made an application under section 303Z38(1)(b) of POCA and who has not been joined as a party to the case;".

4. After rule 7(2) insert—

"(2A) The appellant shall notify the court that notice has been given in accordance with paragraph (2).".

5. In rule 8 (entry of appeal and notice of hearing), for paragraphs (e) to (fb) substitute—

"(e) in the case of an appeal under paragraph 7, 10K, 10Z4 or 10Z7CG of Schedule 1 to the Anti-Terrorism, Crime and Security Act 2001(**b**)—

(i) any person whom the appellant has notified to the court has been given notice of the appeal, and

(ii) anyone else the court directs; and

(f) in the case of an appeal under section 299, 303S, 303Z16 or 303Z47 of the Proceeds of Crime Act 2002(**c**)—

(i) any person whom the appellant has notified to the court has been given notice of the appeal, and

(ii) anyone else the court directs.".

6. After rule 8, insert—

"Preparation for appeal hearing

8A. The Crown Court may conduct a preparation for appeal hearing (and if necessary more than one such hearing) where it is necessary to conduct such a hearing in order to give directions for the effective determination of the appeal.".

7. After rule 11 (abandonment of appeal), insert—

"Service of order following appeal under ATCSA or POCA

11ZA. Where the court makes any order on appeal from a magistrates' court under paragraph 7, 10K, 10Z4 or 10Z7CG of Schedule 1 to the Anti-Terrorism, Crime and

(**a**) 2002 c. 29. Chapters 3C to 3F (comprising sections 303Z20 to 303Z66) of Part 5 of the Proceeds of Crime Act 2002 were inserted by section 180 of, and Schedule 9 to, the Economic Crime and Corporate Transparency Act 2023.

(**b**) Parts 4BA to 4BD (comprising paragraphs 10Z7A to 10Z7DL) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (c. 24) were inserted by section 181 of, and Schedule 10 to, the Economic Crime and Corporate Transparency Act 2023 (c. 56).

(**c**) 2002 c. 29. Chapters 3C to 3F (comprising sections 303Z20 to 303Z66) of Part 5 of the Proceeds of Crime Act 2002 were inserted by section 180 of, and Schedule 9 to, the Economic Crime and Corporate Transparency Act 2023.

Security Act 2001 or section 299, 303S, 303Z16 or 303Z47 of the Proceeds of Crime Act 2002—

(a) the court must give copies of the order to the appellant, and

(b) the appellant, or any other person the court directs having given that person copies of the order, must give a copy of that order to—

(i) any other person who was notified of the appeal in accordance with rule 7, and

(ii) any other person the court directs.".

8. In Part I of Schedule 3 (enactments making Special Provisions about Procedure on Appeals to Crown Court), insert the following entries at the end of the table—

"2001 c 24	The Anti-Terrorism, Crime and Security Act 2001	Schedule 1, paragraphs 7, 10K, 10Z4, 10Z7CG.
2002 c 20	The Proceeds of Crime Act 2002	Sections 299, 303S, 303Z16, 303Z47.".

9. In Part III of Schedule 3 (appeals in which the Notice of Appeal is to state the grounds of appeal)—

(a) in the entry relating to the Anti-terrorism, Crime and Security Act 2001, in the third column, for "paragraphs 7, 10K, 10Z4" substitute "paragraphs 7, 10K, 10Z4, 10Z7CG.";

(b) in the entry relating to the Proceeds of Crime Act 2002, in the third column, for "sections 299, 303S, 303Z16" substitute "sections 299, 303S, 303Z16, 303Z47.".

Carr of Walton-on-the-Hill
5th November 2024 Lady Chief Justice

I agree.
Signed by authority of the Lord Chancellor

Heidi Alexander
Minister of State
6th November 2024 Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Crown Court Rules 1982 (S.I. 1982/1109) ("CCR") to take account of amendments made to Part 5 of the Proceeds of Crime Act 2002 (c. 29) ("POCA") and Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (c. 24) ("ATCSA") by the Economic Crime and Corporate Transparency Act 2023 (c. 56) ("ECCT Act"). The amendments are:

Schedule 9 to the ECCT Act inserted new Chapters 3C to 3E into Part 5 of POCA, which permit the seizure and detention, or freezing, and forfeiture of cryptoassets which derive from, or are intended for use in, unlawful conduct. Under Chapter 3C, property can be detained for an initial period after seizure, after which time an order for further detention of the property must be obtained. Under Chapter 3D, law enforcement agencies may apply for an order freezing cryptoassets held in a crypto wallet. Section 303Z47 of POCA provides for an appeal to the Crown Court by any party to proceedings in which an order is made by a magistrates' court for the forfeiture of cryptoassets. In addition, new section 303Z17A allows victims and other owners to apply for the release of funds frozen in a bank account under Chapter 3B of Part 5 of POCA.

Schedule 10 to the ECCT Act inserted new Parts 4BA to 4BC into Schedule 1 to ATCSA, which permit the seizure and detention, or freezing, and forfeiture of terrorist cryptoassets. Under Part 4BA, property can be detained for an initial period after seizure, after which time an order for further detention of the property must be obtained. Under Part 4BB, law enforcement agencies may apply for an order freezing cryptoassets held in a crypto wallet. Paragraph 10Z7CG of Schedule 1 to ATCSA provides for an appeal to the Crown Court by any party to proceedings in which an order is made by a magistrates' court for the forfeiture of cryptoassets. In addition, new paragraph 10Z6A allows victims and other owners to apply for the release of funds frozen in a bank account under Part 4B of Schedule 1 to ATCSA.

Rules 2 to 5 provide for notice of appeals under Part 5 of POCA and Schedule 1 to ATCSA to be given to certain persons with an interest in the proceedings.

Rule 6 adds new provision about preparation for appeal hearings and rule 7 adds new provision about service of orders.

Rule 8 adds the appeal provisions in POCA and ATCSA to Part I of Schedule 3 to the CCR, to ensure that the period for appeal is 30 days as set out in those Acts rather than 21 days as otherwise specified in the CCR, and rule 9 adds the new types of appeal under POCA and ATCSA to the list of appeals to the Crown Court set out in Part III of Schedule 3 to the CCR, in which the notice of appeal is to state the grounds of appeal.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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